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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,937	12/23/2003	Thomas G. Sierakowski	Liner-602	9370

7590 10/19/2004
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EXAMINER	
BLANKENSHIP, GREGORY A	
ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,937

Applicant(s)

SIERAKOWSKI ET AL. 

Examiner

Greg Blankenship

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/23/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04, 4/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 7 and 15 are objected to because of the following informalities:

Claim 7, line 1, "Th lin r of claim 6, wh r in" should be --The liner of claim 6, wherein--;

Claim 7, line 2, "memb r" should be --member--;

Claim 7, line 2, "interv ning" should be --intervening--;

Claim 15, line 2, "memb r" should be --member--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Vitoorapakorn (6,203,090).

Vitoorapakorn discloses a truck bed liner (10) that has a substantially flat base portion with raised ribs extending therefrom. A set of ribs extends in a front-to-back direction in a central area of the liner (10). On each side of the central area are obliquely extending ribs in a mirror image of one another with respect to the central axis.

4. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (4,128,271). Gray discloses a truck bed liner (12) that has a plurality of ribs (13). The ribs (13) have obliquely spanning rib member parts. A trough (14) is formed between each rib (13). Each interior rib is located between adjacent ribs. Since every rib has the claimed obliquely

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spanning rib member part, then the opposing outsides of two separate adjacent ribs in the bank is also disclosed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitoorapakorn (6,203,090) in view of Gray (4,128,271).

Vitoorapakorn does not disclose the obliquely extending outer rib member part.

Gray teaches a liner having ribs with obliquely extending outer rib member parts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the outer rib member parts of Vitoorapakorn extend at an oblique angle to the horizontal top of the rib, as taught by Gray, to match the cross-section of the truck bed to which it will be attached.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vitoorapakorn (6,203,090) in view of Wayne (4,341,412).

Vitoorapakorn does not disclose the side support members of the ribs extending substantially normal to the crest member of the ribs.

Wayne teaches a liner having ribs with side support members that extend substantially normal to the crest member of the ribs.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the side support members of Vitoorapakorn's ribs extend substantially normal to the crest member of the ribs, as taught by Wayne, to provide the desired resistance to bending when subjected to heavy loads.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is (703) 305-0223.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Assistant Commissioner for Patents

Washington, D.C. 20231


Or faxed to:

(703) 872-9306, (for formal communications intended for entry)

or:

(703) 746-3511, (for informal or draft communications, please clearly label "FOR DISCUSSION PURPOSES ONLY", "PROPOSED" or "DRAFT")

gab
October 14, 2004


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
10/12/04